IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

BOBBY DALE MARTIN,   )
)
                Plaintiff,   )
)
vs.   )   CIV-12-335-FHS-SPS
)
CAROLYN W. COLVIN, Acting   )
Commissioner of the Social   )
Security Administration,[1]   )
)
                Defendant.   )

<u>ORDER</u>

On September 13, 2013, the United States Magistrate Judge for this District filed Findings and Recommendations in this case. On September 18, 2013, the defendant filed an objection to this recommendation. In this objection, the defendant argued the Magistrate in forming his opinion made an assumption that the restrictions put in place by Dr. Irvin were permanent. On September 19, 2013, the plaintiff filed a response to the objection stating the Magistrate's recommendation should be affirmed. Plaintiff argued the Magistrate Judge properly considered the restrictions.
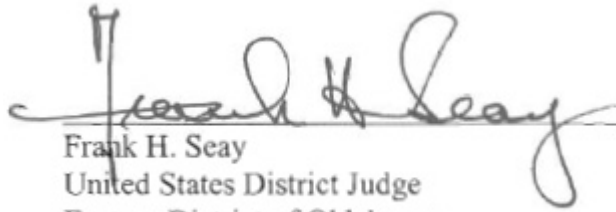
The court has reviewed the objections filed by defendant and overrules them. The Findings and Recommendations suggest that the case be **REVERSED AND REMANDED** for further administrative proceedings. This Court finds the Findings of the Magistrate

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[1]On February 14, 2013, Carolyn W. Colvin became the Acting Commissioner of Social Security. In accordance with Fed. R. Civ. P. 25(d), Ms. Colvin is substituted for Michael J. Astrue as the Defendant in this action.

Judge applied the proper standards and documents numerous references to the record which support the recommendation of the Magistrate Judge that the Secretary's decision be **REVERSED AND REMANDED.**

Upon consideration of the entire record and the issues herein, this Court finds and orders that the Findings and Recommendations of the United States Magistrate Judge be **SUSTAINED** and adopted by this Court as this Court's Findings and Order. Accordingly, this case is **REVERSED AND REMANDED** to the defendant under the fourth sentence of 42 U.S.C. §405(g) for proceedings consistent with this order.

IT IS SO ORDERED this 30th day of September, 2013.

Frank H. Seay
United States District Judge
Eastern District of Oklahoma